

REMARKS

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Claims 1-70 are pending.

The specification has been amended at page 1, lines 3-8, to correct an inadvertent typographical error in the priority claim of the Application. Pursuant to the provisions of 37 C.F.R. §1.121(b)(1)(iii), a marked-up copy of the paragraph appearing at page 1, lines 3-8, is attached herewith as Appendix A.

Claims 1-29, 32-60, 64-65, and 68 are presently canceled without prejudice, as being drawn to a non-elected invention. Applicants note that these claims have been canceled solely to comply with the restriction requirement set forth in the Office Action, and not for any reasons related to patentability. Therefore, Applicants reserve the right to prosecute these canceled claims in a continuation or divisional application of this Application.

Claims 71-97 have been added. Support for these new claims can be found throughout the Application as filed; particularly at page 15, line 21 through page 16, line 5; at page 18, line 26 through page 7, line 4; at page 20, lines 20-25; at page 21, lines 7-10; at page 29, line 23 through page 30, line 6; at page 34, line 16 through page 35, line 4; at page 36, line 9 through page 63, line 9; and in the claims as originally filed.

None of the above amendments or new claims adds any new matter to the Application as filed.

I. Inventorship

The Office Action has asserted that the petition to correct inventorship of the Application is deficient under 37 C.F.R. §1.48(a).

Applicants respectfully aver that 37 C.F.R. §1.48(a) applies to correction of inventorship after the oath/declaration is filed. Applicants note that the Application as filed on September 2, 1998 met all of the filing requirements of a non-provisional application as set forth under 37 C.F.R. §1.53(b).

However, Applicants note that the oath/declaration filed on March 2, 1999 in response to the Notice to File Missing Parts inadvertently, and without deceptive intent, named incorrect inventors. This error in naming inventors was made, in part, because of the present cancellation of claims 1-29, 32-60, 64-65, and 68. Accordingly, Applicants are submitting herewith as

Appendix B a new unexecuted oath/declaration naming the correct inventors, namely Ragupathy Madiyalakan, Antoine A. Noujaim, Richard P. Baum, and Birgit C. Schultes.

Applicants will separately file this declaration executed by the correct inventors together with a new petition to correct the filing receipt under separate cover.

## II. Restriction Requirement

Claims 1-70 stand subject to a restriction requirement, as the Office Action has asserted that the claims cover distinct inventions.

In response to the Office Action, as between Groups I-III, Applicants elect, without traverse, the invention as claimed in claims 30-31, 61-63, 66-67, and 69-70 (Group IV, Group V, and part of Group VI of the Office Action). Accordingly, Applicants have canceled, without prejudice, claims 1-29, 32-60, 64-65, and 68, as drawn to a non-elected invention.

As between Group IV (claims 30-31), Group V (claims 61-63) and Group VI (claims 64-67 and 69-70), Applicants elect Group V with traverse. Applicants respectfully aver that the invention of Group V, asserted by the Office Action as being drawn to a composition comprising modified antigens, is related to the invention of Group IV, asserted by the Office Action as being drawn to stimulating antibody production to a complex formed by binding agent-antigen and making antibodies specific for the newly exposed domains, and to the invention of Group VI, asserted by the Office Action as being drawn to compositions and methods involving tertiary antibodies, are related, and would not be burdensome to exam together. Indeed, each of the inventions of Group IV, Group V, and Group VI is classified in the Office Action as being in class 530, subclass 37.1+.

Accordingly, Applicants, while electing with traverse Group V (claims 61-63), respectfully request that the inventions of Group IV, Group V, and the part of Group VI encompassing claims 66-67 and 69-70 be re-joined and examined together.

## III. New Claims

Applicants have presently added new claims 71-97. Claims 71-76 and 77-84 have been added to depend (directly or indirectly) upon claims 30 and 61, respectively. In addition, Applicants have added claims 85-97 to cover compositions that alter the immune response

against the antigen comprising the antigen and a binding agent that specifically binds to the antigen to form a binding agent/antigen complex. None of these new claims adds new matter to the Application, as they are supported throughout the Application as filed and, in particular, at page 15, line 21 through page 16, line 5; at page 18, line 26 through page 7, line 4; at page 20, lines 20-25; at page 21, lines 7-10; at page 29, line 23 through page 30, line 6; at page 34, line 16 through page 35, line 4; at page 36, line 9 through page 63, line 9; and in the Application's originally filed claims.

Applicants believe that the presently added new claims 71-97 are within the elected invention (*i.e.*, Group V), or within the inventions of either Group IV or Group VI. As discussed above, Applicants respectfully aver that the inventions of Groups IV, V, and VI should be re-joined and examined together.

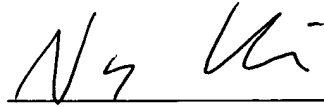
#### CONCLUSION

Applicants respectfully submit that the claims are now in ready for substantive examination. If the Examiner believes that any further discussion of this communication would be helpful, she is encouraged to contact the undersigned by telephone.

In accordance with the provisions of 37 C.F.R. §1.136(a)(1), Applicants enclose herewith a petition requesting a three month extension of time up to and including October 25, 2001 to respond to the Office Action. Please apply the three month extension of time fee of \$460.00 (small entity) to our Deposit Account No. 08-0219.

Applicants have presently canceled 61 claims and have presently added 27 claims. Accordingly, no additional claim fees are believed to be due in connection with this communication. However, please apply any additional charges, or credit any overpayment, to our Deposit Account No. 08-0219.

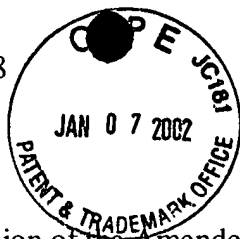
Respectfully submitted,  
HALE AND DORR LLP

A handwritten signature in black ink, appearing to read 'Nancy Chiu', is written over a horizontal line.

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Date: October 23, 2001



**APPENDIX A**

Marked-up Version of the Amended Specification Pursuant to 37 C.F.R. §1.121(b)(1)(iii)

This application is a continuation-in-part of International Application No. PCT/IB96/00461, filed May 15, 1996; [a continuation-in-part of U.S. Serial No. 08/877,302, filed June 16, 1997;] a continuation-in-part of U.S. Serial No. 08/913,290, filed May 15, 1996; [a continuation-in-part of U.S. Serial No. 08/782,048, filed January 10, 1997;] a continuation-in-part of U.S. Serial No. 08/877,511, filed June 17, 1997; and a continuation-in-part of U.S. Serial No. 09/094,598 filed June 15, 1998.

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APPENDIX B

NEW, UNEXECUTED OATH/DECLARATION

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